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MONTANA LEGISLATIVE HISTORY

Chapter 411 19 87

Bill H _____ S 96 Original bill & history ✓ C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) Mar11	✓ C	Hearing Date(s) Jan20	✓ C
Mar12	✓ C	Jan23	✓ C
_____	C	Jan28	✓ C
_____	C	_____	C
Date Out Mar12	✓ C	Jan28	✓ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

H. Committee on Appropriations

Mar 25 ✓ C

Mar 26 ✓ C

SENATE BILL NO. 96

INTRODUCED BY RASMUSSEN, HALLIGAN

IN THE SENATE

JANUARY 13, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 26, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 27, 1987	PRINTING REPORT.
	ON MOTION, TAKEN FROM SECOND READING AND REREFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 29, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 30, 1987	PRINTING REPORT.
FEBRUARY 2, 1987	SECOND READING, DO PASS.
FEBRUARY 3, 1987	ENGROSSING REPORT.
FEBRUARY 4, 1987	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 11, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
MARCH 17, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 20, 1987	SECOND READING, CONCURRED IN.
	ON MOTION, TAKEN FROM THIRD READING AND REREFERRED TO COMMITTEE ON APPROPRIATIONS.

MARCH 26, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 28, 1987	SECOND READING, CONCURRED IN.
MARCH 30, 1987	THIRD READING, CONCURRED IN. AYES, 96; NOES, 2.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 31, 1987	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

3/21	TRANSMITTED TO GOVERNOR		
3/25	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 204 EFFECTIVE DATE: 3/25/87		

SB 95 INTRODUCED BY RASMUSSEN, HOFMAN, S., AKLESTAD, ET AL.
PERMIT ELECTOR TO VOTE BY PAPER BALLOT INSTEAD OF USING A VOTING DEVICE

1/13	INTRODUCED		
1/13	REFERRED TO STATE ADMINISTRATION		
1/14	FISCAL NOTE REQUESTED		
1/15	FISCAL NOTE RECEIVED		
1/16	HEARING		
2/09	TABLED IN COMMITTEE AS AMENDED		

SB 96 INTRODUCED BY RASMUSSEN, HALLIGAN
INCREASING PENALTY FOR SECOND OFFENSE OF ELDER ABUSE

1/13	INTRODUCED		
1/13	REFERRED TO JUDICIARY		
1/14	FISCAL NOTE REQUESTED		
1/15	FISCAL NOTE RECEIVED		
1/20	HEARING		
1/26	COMMITTEE REPORT--BILL PASSED AS AMENDED		
1/27	REREFERRED TO JUDICIARY		
1/29	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/02	2ND READING PASSED	49	0
2/04	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/11	REFERRED TO JUDICIARY		
3/11	HEARING		
3/17	COMMITTEE REPORT--BILL CONCURRED		
3/20	2ND READING CONCURRED	92	6
3/20	REREFERRED TO APPROPRIATIONS		
3/25	HEARING		
3/26	COMMITTEE REPORT--BILL CONCURRED		
3/28	2ND READING CONCURRED	73	3
3/30	3RD READING CONCURRED	96	2
	RETURNED TO SENATE		
4/03	SIGNED BY PRESIDENT		
4/04	SIGNED BY SPEAKER		
4/04	TRANSMITTED TO GOVERNOR		
4/09	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 411 EFFECTIVE DATE: 10/01/87		

SB 97 INTRODUCED BY THAVER, BROWN, J.
REVISE ECONOMIC DEVELOPMENT BOND, MUNICIPAL FINANCE CONSOLIDATION LAWS
BY REQUEST OF DEPARTMENT OF COMMERCE

1/13	INTRODUCED		
1/13	REFERRED TO BUSINESS & INDUSTRY		
1/20	HEARING		
1/21	COMMITTEE REPORT--BILL PASSED		
1/24	2ND READING PASSED	27	18
1/27	3RD READING PASSED	42	8
	TRANSMITTED TO HOUSE		
2/04	REFERRED TO BUSINESS & LABOR		
3/04	HEARING		

SENATE BILL NO. 96

INTRODUCED BY Rasmussen Halligan

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH ADDITIONAL PENALTIES FOR INDIVIDUALS CONVICTED FOR TWO OR MORE INCIDENTS OF ELDER ABUSE, NEGLECT, OR EXPLOITATION; AND AMENDING SECTION 53-5-525, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-5-525, MCA, is amended to read:

"53-5-525. Penalties. (1) Any person who purposely or knowingly fails to make a report required by 53-5-511 or discloses or fails to disclose the contents of a case record or report in violation of 53-5-513 is guilty of ~~a misdemeanor~~ an offense and upon conviction is punishable as provided in 46-18-212.

(2) Any individual who purposely or knowingly abuses, neglects, or exploits an older person is guilty of ~~a misdemeanor~~ an offense and upon conviction:

(a) of a first offense may be fined an amount not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both; and

(b) of a second or succeeding offense shall be fined not less than $1,000 or be imprisoned in the state prison for a term not less than 1 year, or both."

LC 0664/01

NEW SECTION. Section 2. Extension of authority. Any existing authority of the department of social and rehabilitation services to make rules on the subject of the provisions of this act is extended to the provisions of this act.

-End-

INTRODUCED BILL
SB 96

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB096 , as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:
An act to establish additional penalties for individuals convicted for two or more incidents of elder abuse, neglect, or exploitation; and amending Section 53-5-525, MCA.

ASSUMPTIONS:
1. The variable cost for an additional inmate at the Montana State Prison was about $2,500 per capita in fiscal year 1986.
2. There were fewer than 10 cases of elder abuse prosecuted in calendar 1986.
3. No data is compiled regarding the fines and sentences imposed regarding cases of elder abuse.

FISCAL IMPACT:
The fiscal impact of this law cannot be accurately determined. The cost to the state general fund would depend on the types of sentences given to persons found guilty of abuse of an elderly person.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:
The fiscal impact of this law on county general funds would depend on the type of sentence given to persons found guilty of elder abuse. There is not sufficient data available to make an accurate fiscal estimate.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:
N/A

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:
N/A

David L Hunter DATE 1/15/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Tom Rasmussen DATE 1-15-87
TOM RASMUSSEN, PRIMARY SPONSOR

Fiscal Note for SB096, as introduced.

SB 96

CONSIDERATION OF SB 96: Senator Tom Rasmussen, Senate District #22, said HB 96 extablishes additional penalties for people who are convicted of two or more incidents of elder abuse or exploitation. He point out on page 1, lines 20 through 25 of the bill it does change the misdmeanor to a felony for the second and succeeding offenses.

PROPONENTS: Joe Upshaw, American Association of Retired Person, supported the bill (see Exhibit 3, written testimony).

Charles Briggs, Govenor's Office, testified that the Govenor's Advisory Council on Aging supports SB 96. He thought under section 1, part 2(b), lines 23 through 25, it should have a definite maximum sentence. He gave the committee an amendment from the Legacy Legislature (see Exhibit 4, outlined in green).

Hank Hudson, Legal Service Developer in the Senior's Office, stated that elder abuse is a serious problem. He especially had concern about the exploitation of Senior citizens' savings. He commented on section 1, lines 23 through 25, that the language of "not less than one year" is compatible with the definition of a felony: a felony is a crime punishable by imprisonment exceeding one year.

Rose Skoog, Montana Health Care Association, stated that nursing homes are involved with reporting abuse and exploitation in the nursing homes by staff, friends and family. She said there has been cases of a staff person striking out at a patient. She presented an amendment dealing with this. She said they usually suspend the staff member that hit a patient and then have an investigation and if the investigation shows abuse, then the employee is terminated. She stated that if the county attorney doesn't prosecute that employee for abuse, the nursing home gets sued for unlawful discharge. She said the amendment would state that failure to prosecute does not mean the offense did not occur.

Mignon Waterman, Montana Association of Churches, supported the bill (see Exhibit 5, written testimony).

Betti Christie Hill, Montana Assoication of Homes for Aging, testified in support of the bill and the Skoog amendment.

Micki Nelson, Lewis and Clark County Coroner, stated he has had elder people's deaths due to abuse. He said he had two calls last year informing him of two elder deaths that were caused by abuse.

OPPONENTS: None

DISCUSSION ON SB 96: Senator Pinsoneault asked Senator Rasmussen if he has had specific incidents where elder abuse has occurred more than once and the punishment on the books wasn't sufficient. Mr. Upshaw answered

that these things are not reported very often so there is no experience factor to use. Senator Pinsoneault inquired if incidents of a staff member striking out at an elder person in a home is dismissed. Ms. Skoog stated sometimes a patient can be abusive, but still employees can't strike back. She pointed out if a patient is slapped, a nursing home can get sued because the county attorneys don't prosecute as much as they should.

Senator Mazurek felt that this amendment should not be put in the criminal code, because it deals with civil liability.

Senator Balylock asked if this bill will increase the reporting of elder abuse. Mr. Upshaw replied he felt it would increase the reporting. Senator Blaylock asked if this law will help in the area of verbal abuse. Mr. Upshaw answered that he did not know.

Senator Mazurek asked if Mr. Briggs would like to comment on any of these questions. Mr. Briggs said the bill was designed as a deterrent.

Senator Mazurek asked why the second offense, containing damage or value of more than $300, was not included in this bill. Mr. Hudson expressed that he did not have statistics on convictions. He said he gets maybe one call a month on suspected exploitation. He felt there is reluctance on the part of the county attorneys when it involves family members because it is a gray area. He answered Senator Mazurek's question by saying that the legacy legislature had a dollor figure in their bill, but it didn't have $300 in regards to exploitation and since no monetary value can be placed on abuse and neglect, the legacy legislature did not put one in.

Senator Pinsoneault questioned if there was a certain time frame before the second offense can occur. Mr Hudon said it was not thought of during legacy legislature.

Senator Rasmussen closed by saying he would bring in the Skoog amendment to the committee.

The committee adjourned the hearing to take executive action.

ACTION ON SB 88: Senator Blaylock said the major change is changing felony to offense. Senator Bishop agreed with the change. Senator Mazurek felt prosecutors should use discretion on (b) of the bill because it does contain gray areas, such as Sentor Crippens's "garage story". Senator Pinsoneault commented on the fact that each judge is different and they are the ones that determine the sentencing. Senator Blaylock moved the bill DO PASS AS AMENDED. The motion carried with Senator Crippen voting no.

ROLL CALL

Judiciary COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date Jan. 20th

NAME	PRESENT	ABSENT	EXCUSED
Senator Joe Mazurek, Chairman	X		
Senator Bruce Crippen, Vice Chairman	X		
Senator Tom Beck	X		
Senator Al Bishop	X		
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Jack Galt	X late because of another bill		
Senator Mike Halligan	X		
Senator Dick Pinsoneault	X		
Senator Bill Yellowtail	X		

Each day attach to minutes.

DATE Jan. 20th

COMMITTEE ON Judiciary Senate

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Betti Christiaens	MT. Assoc of Homes for Aging	SB96	X	
David LACKMAN	MT Public Health Assn.	SB94	X	
MARC RACICOT	MT County Attorneys Assn	SB88	X	
Deborah A. Ruggles		SB 96	X	
J. Ahrens	MT Hospital Assn	SB 94	X	
Joe Upshaw	AARP	SB96	X	
Rhonda Rachelle	Mont. Sr. Citizens	SB96	X	
Fred Patton	AARP	SB96	X	
Molly Munro	AARP	SB 96	X	
Karla Marquardt	AARP	SB 96	X	
M.E. "Micky" Nelson	Lic Co. Coroner	SB 96	X	
[illegible]	[illegible]	SB		
Chuck Brooks	Governors Office	SB 96	X	
Mignon Waterman	Mt. Assoc of Churches	SB 96		
Hank Hudson	Seniors Office	SB96	X	

SENATE JUDICIARY
EXHIBIT NO. 3
DATE Jan. 20, 1987
BILL NO. SB 96

Mr Chairman, Members of the Committee,

I am Joe Upshaw of Helena, representing the American Association of Retired Persons. I am here today to support enactment of Senate Bill 96. The initial legislation was passed in 1985 and contained a good means of combating Elderly abuse. In the legislative process, the bill was amended to contain language that made the offense of elderly abuse punishable only as a misdemeanor. This was not the original intent of the legislation, as we feel that the continued abuse of an elderly person is nothing short of a felony. Elder abuse, like many other forms of domestic violence, is a hidden phenomenon affecting hundreds of thousands of older Americans. It cuts across all classes of society , occurs in both urban abd rural areas, both homes and institutions, and among the rich as well as the poor. It affects both men and women. No precise figures on incidence rates are available, but a 1986 study by our national organization revealed that the number of reports of suspected or alleged elder abuse, reports of institutional abuse and/or neglect as well as reports of familly and self abuse or neglect have al increased enormously in recent years. In 1981, an estimated one million older persons, or over 4% of the nation's older population, were victims of abuse and active or passive neglect. That figure has increased at the rate of approximately 100,000 new cases each succeeding year. Although some 82% of all adult abuse cases involve older americans, only one in five cases of elder abuse isever reported and a good proportion of these cases are never pursued beyond the report stage.

Elder abuse is physical, ranging from deliberate infliction of bodily harm, to forced drug therapy , to neglect of basic human needs. Elder abuse is financial, ranging from theft of the victim;s personal posesssions and money to schemes that literally deprive the victim of anything of value. Elder abuse is emotional, ranging from threats to place thevictim in a mental institution or nursing home to actually depriving the victim of personal liberty.

Yes, members of the committee, elder abuse is certainly alive and kicking and is becoming more frequent and brutal with each passing day. Now is the time for us all to do everthing possible to stop, or at least, curtail it. We in Montana now have a law in place that ~~can that~~ is designed to accomplish this - but with the current "slap on the wrist" penalty provision - cannot be effective. Senate Bill 96 provides for a reasonable and just punishment for abuse of elderly Montanans and the Association of Retired Persons in Montana earnstly urge you to take favorable action on it.

Thank you

LEGACY LEGISLATURE BILL NO. 8

SHORT NAME: ELDER ABUSE ACT - ~~SUBSTITUTION-ON~~ ADDITION TO SECTION ON PENALTIES

A BILL FOR AN ACT ENTITLED: ELDERLY ABUSE ACT: ~~SUBSTITUTION-ON~~ ADDITION TO SECTION ON PENALTIES.

A BILL FOR AN ACT TO PROVIDE: PENALTIES.

(2B) ANY INDIVIDUAL WHO ~~PURPOSELY-OR-KNOWINGLY-ABUSES, NEGLECTS-OR-EXPLOITS-AN-OLDER-PERSON~~ IS CONVICTED OF A SECOND OFFENSE IS GUILTY OF A FELONY IF THE ~~VALUE-INVOLVED~~ DAMAGE IS GREATER THAN $300.00. AN INDIVIDUAL CONVICTED OF A SECOND OFFENSE UNDER THIS SUBSECTION MAY BE FINED IN AN AMOUNT NOT TO EXCEED $10,000 OR BE IMPRISONED FOR A TERM NOT TO EXCEED 10 YEARS.

SPONSOR(S): THOMSON

COMMITTEE ASSIGNMENT: JUDICIARY

SENATE JUDICIARY
EXHIBIT NO. 4
DATE Jan. 20, 1987
BILL NO. SB96

Montana Association of Churches

MONTANA RELIGIOUS LEGISLATIVE COALITION • P.O. Box 745 • Helena, MT 596

SENATE JUDICIARY
EXHIBIT NO. 5
DATE Jan 20, 1986
BILL NO. SB 96

January 20, 1987

WORKING TOGETHER:

American Baptist Churches of the Northwest

American Lutheran Church Rocky Mountain District

Christian Church (Disciples of Christ) in Montana

Episcopal Church Diocese of Montana

Lutheran Church in America Pacific Northwest Synod

Roman Catholic Diocese of Great Falls-Billings

Roman Catholic Diocese of Helena

United Church of Christ MT-N.WY Conference

United Methodist Church Yellowstone Conference

Presbyterian Church (U.S.A.) Glacier Presbytery

Presbyterian Church (U.S.A.) Yellowstone Presbytery

SENATOR MAZUREK AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE:

My name is Mignon Waterman and I am speaking on behalf of the Montana Association of Churches.

The Montana Association of Churches supports a sentencing system which permits judges and others within the justice system latitude and discretion in dealing with individual offenders.

Certainly, we don't condone elder abuse and we applaud Senator Rasmussen's attempt to protect Montana's senior citizens, but we do believe the judge needs to evaluate the individual circumstances surrounding each case before arriving at a sentence.

We are concerned that the use of the word shall on line 23 may not allow the judge the discretion needed to deal with an individual offender.

many lives. Senator Halligan moved amendments #1 through #9 and struck the word "affect" from amendments #8. Senator Crippen asked if there was still a notice problem (see Exhibit 7, written testimony). Valencia Lane stated now that the school boards are excluded from the bill because of the amendments, there is not as much concern about the notice provision. The amendments passed.

Senator Halligan moved the bill DO PASS AS AMENDED. The motion carried.

ACTION ON SB 96: Valencia Lane presented amendments to the committee (see Exhibit 8). Senator Blaylock moved the amendments. Senator Mazurek inquired what would happen if someone abused an elder person and then 30 years later is convicted for the same offense. Valencia Lane said she could insert a "reasonable time" period between incidents before the incident could be considered a felony. Senator Mazurek felt the word "shall" on page 1, line 23, should be stricken from the bill so it gives the judge more discretion in the sentencing process. Senator Blaylock felt if a person is convicted of a misdemeanor for abusing an elder person, it really doesn't matter how long it takes the misdemeanor offender to do the second abuse incident before calling it a felony. Valencia explained that she took out the language defining felony in her amendments:

"a $1,000 fine or not less than one year in prison"

She said if the language is left in, then a felony offense is in the bill. Senator Mazurek said a felony doesn't have a mandatory minimum amount of time spent in jail so that definition should be taken out of the bill. The committee agreed. Senator Mazurek made a substitute motion to strike "shall" from line 23 and insert "and upon conviction may". Senator Blaylock withdrew his first motion and moved the finalized amendments with the committee's recommendations. The motion carried. (see Exhibit 9 the standing committee report).

Senator Mazurek felt the wrongful discharge amendment heard at the hearing by Rose Skoog should be in the civil code instead of the criminal code. Senator Brown moved the bill DO PASS AS AMENDED.

The committee adjourned at 12:00 p.m.

Chairman

ROLL CALL

Judiciary COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date Jan. 23rd

NAME	PRESENT	ABSENT	EXCUSED
Senator Joe Mazurek, Chairman			
Senator Bruce Crippen, Vice Chairman	X		
Senator Tom Beck	X		
Senator Al Bishop	X		
Senator Chet Blaylock	X		
Senator Bob Brown			
Senator Jack Galt			
Senator Mike Halligan	X		
Senator Dick Pinsoneault	X		
Senator Bill Yellowtail	X		

Each day attach to minutes.

EXHIBIT NO. 8
DATE Jan 23 1997
BILL NO. SB 96

Proposed amendments to SB 96, introduced copy (white).

1. Page 1, line 18.
Following: "of"
Insert: ":"

2. Page 1, line 19.
Following: "~~misdemeanor~~"
Strike: "an"
Insert: "(a) a misdemeanor for a first"
Following: "conviction"
Strike: ":"

3. Page 1, line 20.
Following: line 19
Strike: "(a) of a first offense"

4. Page 1, line 23.
Following: "(b)"
Strike: "of"
Insert: "a felony for"
Following: "offense"
Insert: "and upon conviction"

5. Page 1, lines 23 and 24.
Following: "be" on line 23
Strike: the remainder of line 23 through "be" on line 24

6. Page 1, line 25.
Following: "year"
Strike: ", or both"
Insert: "~~or~~ more than 10 years and may be fined an amount not to exceed $10,000"

7023a/L:JEA\WP:jj

OPPONENTS: Bob Pyfer, Montana Credit Union League, said the bill is just another piece of paper to deal with and another expense.

DISCUSSION ON SB 190: Senator Crippen didn't think it was another form to fill out because it keeps a mortgagor up to date on his mortgaged land and what a change in the law could do to that mortgage.

Meg Nelson, NPRC, said the bill is trying to get a form that will say that under the law a person might lose the homestead because he mortgaged it. She said some borrowers don't even know they morgaged off the homestead right to a bank. She felt these borrowers have to be informed of what they are doing in writing.

Senator Lybeck closed.

The committee adjourned the hearings and proceeded with executive action.

ACTION ON SB 96: SB 96 was referred back to the committee. Senator Mazurek read the standing committee report and felt the committee had decided in their last executive action on SB 96 to strike "felony" from the bill and let the judge decide if the abuse was a felony. Senator Yellowtail felt the word "felony" should be left in the bill because many of the senior citizens wanted it left in the bill. Senator Halligan explained a second offense might be a minute incident. Senator Galt asked Elmer Hausken, Retired Persons Association, if his intent in this bill was to have the second offense a felony conviction. Mr. Hausken said it was the intent to have it left as a felony. Valencia presented amendments to the committee (see Exhibit 1). Senator Blaylock moved the amendments. The motion carried with Senators Galt and Yellowtail voting no. Senator Blaylock moved the bill DO PASS AS AMENDED. The motion carried.

ACTION ON SB 104: Valencial Lane explained some background information on the bill and stated that Mike McGrath, Lewis and Clark County Attorney, said the bill would not hurt anything. Senator Pinsoneault moved the bill DO PASS. Senator Blaylock said the merchants might go over board with this bill. The motion carried.

ACTION ON SB 189: Senator Brown felt drugs should be included in this bill. Senator Mazurek wanted to see just the school officials get the names, but not have the incident be put on the kid's record. Senator Blaylock felt that it was not the school's business to know what a student does after school hours off school property. Valencia asked if the committee wanted to include not only the use of drugs but the selling of it. Senator Mazurek said the selling of a drug is in another statute. Valencia presented amendments (see Exhibit 2). Senator Halligan moved the amendments. The motion carried. Senator Halligan moved the bill DO PASS AS AMENDED. Senator Brown asked if places like West Point could

Judiciary COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date Jan. 28th

NAME	PRESENT	ABSENT	EXCUSED
Senator Joe Mazurek, Chairman	X		
Senator Bruce Crippen, Vice Chairman	X		
Senator Tom Beck	X		
Senator Al Bishop	X		
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Jack Galt	X		
Senator Mike Halligan	X		
Senator Dick Pinsoneault	X		
Senator Bill Yellowtail	X		

Each day attach to minutes.

January 28, 1987

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration SENATE BILL No. 96

second reading copy (yellow)
color

Increasing penalty for second offense of elder abuse.

Respectfully report as follows: That SENATE BILL No. 96

BE AMENDED AS FOLLOWS:

1. Page 1, lines 18 through 20.
Following: "of "
Strike: the remainder of line 18 through "FIRST" on line 20
Insert: "an"

2. Page 1, line 20.
Following: "upon"
Insert: "a first"

3. Page 1, line 24.
Following: "both"
Strike: ";"
Insert: ","

4. Page 1, line 25 through line 1, page 2.
Following: line 24
Strike: line 25, page 1 through "AND" on line 1, page 2

5. Page 2, line 1.
Following: "UPON"
Insert: "a second or succeeding"

AND AS AMENDED
DO PASS

~~DO NOT PASS~~

SENATE JUDICIARY
EXHIBIT NO. 1
DATE 1-28-87
BILL NO S.B. 96

Chairman.

Driver's License Could Save Someone's Life and a card to be carried in a donor's wallet.

PROPONENTS: BILL LEARY, Montana Hospital Association, stated through the process of education and having the driver's license personnel making this information available, we hope more people will execute their voluntary option to donate their organs. He encouraged support for this legislation.

There were no further proponents and no opponents.

QUESTIONS (OR DISCUSSION) ON SENATE BILL NO. 94: Rep. Miles asked Senator Lybeck about the last session requiring application of drivers to be given printed information and this bill requests that the information also be given orally and she questioned what was different with this bill. Senator Lybeck stated that the bill last session left the donation purely up to volunteer and this bill specifically states that the bureau will be required to orally ask it the applicant is aware of this donation option. It is the power of suggestion, he said.

Senator Lybeck closed the hearing on SB 94.

SENATE BILL NO. 96: Senator Rasmussen, District No. 22, stated this bill deals with establishing additional penalties for individuals convicted for two or more incidents of elder abuse, neglect, or exploitation. The 1985 session dealt with this subject and made it a misdemeanor but it is not a strong enough penalty. Upon a second or succeeding conviction an offender may be imprisoned for a term not to exceed 10 years and may be fined an amount not to exceed $10,000.00 or both.

PROPONENTS: ELMER HAUSKEN, American Association of Retired Persons, stated he urges support for SB 96 for the proper care and protection of the elderly of our state. He submitted written testimony. (Exhibit A).

ANNE LIGHT, Montana Senior Citizens Association, Inc., stated that elderly abuse is on the rise in this country, and it must be stopped. By increasing the penalties for those convicted of elderly abuse it may deter such acts. SB 96 would help to curb this rise. She submitted written testimony. (Exhibit B).

CHARLES BRIGGS, State Aging Coordinator, Governor's Office, submitted the 1985 Annual Report compiled and written by Don Sekora, Program Officer, Management Operations Bureau Community Services Division, Department of Social and

Rehabilitation Services, (Exhibit C). He strongly supported SB 96 as priority for this legislature.

There were no opponents.

QUESTIONS (OR DISCUSSION) ON SENATE BILL 96: Rep. Eudaily questioned subsection 1 in regard to the language used and asked Senator Rasmussen if he really wanted it to read like it is presently or should the two areas be segregated. Senator Rasmussen stated that perhaps a change should be made back to the original language. He closed the hearing on SB 96.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 10:24 a.m.

Earl Lory

EARL LORY, Chairman

DAILY ROLL CALL

JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 11, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

CS-30

WITNESS STATEMENT

DATE 3-11-87
SB # 96

NAME ELMER HALSTEN BILL NO. SB96

ADDRESS 400 HIGHLAND HELENA DATE 3 MAR. 87

WHOM DO YOU REPRESENT? AARP

SUPPORT V OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: I REPRESENT THE AMERICAN ASSOCIATION OF RETIRED PERSONS AND THE 28,000 MEMBERS RESIDING IN MONTANA.

WE URGE YOU TO APPROVE SB96 FOR THE PROPER CARE AND PROTECTION OF THE ELDERLY OF OUR STATE.

CS-34

EXHIBIT

WITNESS STATEMENT

B
SB 3/11/87
#96

NAME Anne Leigh BILL NO. 96

ADDRESS Bx 423 Helena DATE 3/

WHOM DO YOU REPRESENT? MSCA

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Montana Senior Citizens Assn., Inc.

WITH AFFILIATED CHAPTERS THROUGHOUT THE STATE

P.O. BOX 423 - HELENA, MONTANA 59624

(406) 443-5341

3-11-87
SB 96

11 March 1987

Mister Chairman, and Members of the House Judiciary Committee:

My name is Anne Light, and I represent the Montana Senior Citizens Association.

One of the most hateful things any human being can do is to abuse another human beings. This crime is even more awful when the victim is unable to defend him or herself from attack.

Elderly abuse is on the rise in this country, and it must be stopped. By increasing the penalties from those convicted of elderly abuse, SB 96 would help to curb this rise.

We urge you to vote "yes" on SB 96.

Thank you.

EXHIBIT

C
3-11-87
SB #96

1985

ANNUAL ADULT PROTECTIVE SERVICES REPORT

Compiled and Written by:

Don Sekora, Program Officer II
Management Operations Bureau
Community Services Division
Department of Social & Rehabilitation Services

EXHIBIT C
DATE 3-11-87
HB SB # 96

ADULT PROTECTIVE SERVICE INVESTIGATIONS

January 1, 1984 - December 31, 1984

Elder Abuse Investigations	147
Disabled Adult Protective Service Investigations	80
TOTAL	227

January 1, 1985 - December 31, 1985

Elder Abuse Investigations	414
Disabled Adult Protective Service Investigations	161
TOTAL	575

C.
3-11-87
SB 96

I. INTRODUCTION

The following is the 1985 Annual Report to the Director of the Department of Social and Rehabilitation Services (SRS) on Adult Protective Services (APS). The Elder Abuse section is compiled as a report to the Montana Legislature as well as to the SRS Director.

This report is to meet the requirements of the Adult Protective Service Act, Section 53-5-206, MCA; the Developmental Disabilities Protective Service Act, Section 53-20-410, MCA; and the Elder Abuse Prevention Act, Section 53-5-504, MCA.

The information in this report has been compiled from the Protective Service Information System of the Community Services Division (CSD) of the Department of Social and Rehabilitation Services.

The report will be divided into four (4) primary sections: Elder Abuse; Disabled/Developmentally Disabled; General Summary; and APS Program Developments.

II. ELDER ABUSE

A. GENERAL (For adults sixty (60) years of age or older)

414 elder abuse investigations were conducted by CSD social workers in 1985;

233 or 56% of these cases were valid. (Abuse, neglect, and/or exploitation was verified.)

181 cases were not valid.

38 counties reported valid cases. (A list of counties is in Appendix A.)

28 counties reported invalid cases (for county list see Appendix A).

B. DEMOGRAPHICS OF VALID CASES

1. SEX

120 are female

113 are male

2. AGE

76.1	is average age of females
76.8	is average age of males
76.5	is average age of valid cases

3. MARITAL STATUS

125	Widowed
46	Single/Separated
48	Married
14	Divorced

4. REFERRAL SOURCE

80	Friends
36	Social Service Agencies
28	Hospitals
23	Relatives
22	Home Health & Public Health
11	Anonymous
7	Caretakers
7	Aging Services
7	Victim
7	Law Enforcement
5	Physicians

5. TYPE OF COMPLAINT

172	Neglect
21	Exploitation
15	Abuse
11	Abuse/Neglect
5	Neglect/Exploitation
6	Abuse/Exploitation
3	Abuse/Neglect/Exploitation

6. PERPETRATOR (Who did the abusing)

148 or 64%	Self
26	Son or Daughter
24	Others (Including two (2) doctors)
13	Spouse
8	Other Relative
7	Residential Staff
3	Institutional Staff
3	Other Household Member
1	Sibling

7. SERVICES AND STATUS

233	valid cases received basic investigation and informational and referral services.
133	of the valid cases received intensive resource referral and social work counseling in addition to other services.
64	of the valid cases received home attendant services in addition to other services.
9	valid cases were referred for guardianship.
157 or 67%	remained open at the end of the reporting period.

C. DEMOGRAPHICS OF INVALID CASES OF ELDER ABUSE

1. SEX

103	cases investigated were female.
78	cases investigated were male.

2. AGE

78.4	was the average age for females.
80	was the average age for males.
79.2	was the average age of invalid reports.

3. TYPE OF COMPLAINT

88	Neglect
33	Abuse
28	Exploitation
14	Neglect and Exploitation
8	Abuse/Neglect
6	Abuse/Exploitation
4	Abuse/Neglect/Exploitation

4. SERVICES AND STATUS

36	Cases were opened for social work, counseling and resource development. (These cases were determined to be at immediate risk, but abuse, neglect and/or exploitation could not be verified during the investigations.)

D. REPORT FROM THE LONG-TERM OMBUDSMAN ON ELDER ABUSE *

53	Cases were investigated by the LTCO for alleged abuse, neglect and/or exploitation.
66	Complaints were alleged in these 53 cases.
30	Complaints of abuse were valid.
1	Complaint of neglect was valid.
10	Complaints of exploitation were valid.

* See Annual LTCO Report to the Governor of Montana.

III. DISABLED AND DEVELOPMENTALLY DISABLED ADULTS

A. GENERAL (For Adults ages eighteen (18) to fifty-nine (59))

161	Investigations on disabled were conducted by CSD social workers in 1985.
107 or 66.4%	of these cases were valid.
54	Cases were not valid.
28	Counties reported valid cases. (See Appendix B for county list.)
18	Counties reported invalid cases. (See Appendix B for county list.)

B. DEMOGRAPHICS OF VALID DISABLED/DD CASES

1. SEX

58	were males
49	were females

2. AGE

42.8	for females
35.3	for males
39	was average age

3. MARITAL STATUS

72	Single
16	Married
14	Divorced
5	Widowed

Q
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SB #96

4. TYPE OF COMPLAINT

52	Neglect
30	Abuse
13	Exploitation
6	Abuse/Neglect
5	Abuse/Neglect/Exploitation
1	Neglect/Exploitation

5. PERPETRATOR

63	Self
11	Other
8	Residential Staff
6	Spouse
5	Sibling
4	Son/Daughter
4	Other Relative
4	Other Household Member
2	Legal Guardian

6. SERVICE AND STATUS

107	All valid cases received basic investigative and referral services.
87 or 81%	Received intensive resource development and social work counseling services in addition to other services.
15	Cases received home attendant services in addition to other services.
3	Cases received assistance to obtain guardianship.
83 or 78%	Remained open at the end of the reporting period.

EXHIBIT C
DATE 3-11-87
SB 96

7. DEVELOPMENTALLY DISABLED CASES THAT ARE WARDS OF SRS

The Department of SRS now has full guardianship of seven (7) developmentally disabled adults. The services for the seven (7) wards consists of financial management and consent for medical treatment.

C. DEMOGRAPHICS OF INVALID DISABLED/DD CASES

1. SEX

28	Females
26	Males

2. AGE

37.4	for Females
34.7	for Males
36	Average Age

3. TYPE OF COMPLAINT

20	Abuse
20	Neglect
9	Exploitation
5	Abuse/Neglect
1	Abuse/Exploitation

4. SERVICE AND STATUS

32	Cases were opened for social work counseling and resource development and protection. These cases were determined to be at immediate risk, but abuse, neglect and/or exploitation could not be verified at the time of the investigation, but was highly suspected.

(2)
3-11-87
SB # 76

IV. SUMMARY OF ADULT PROTECTIVE SERVICES FOR 1985

A. GENERAL

575	investigations were conducted by CSD social workers.
340 or 54%	of these cases were verified as valid and received basic services.
68	more cases were opened for services due to risk.
240	cases remained open.
408	cases are estimated to be open for Adult Protective Services at this time. (240 from valid cases open; 68 at risk cases and 100 carried over from 1984.)

B. GENERAL STATISTICS FOR ELDER CASES

414	investigations were conducted.
233 or 56%	were valid cases and received basic services.
191	were male
223	were female
77.9	was the average age
260 or 63%	were neglect cases
172 or 74%	of the valid cases the perpetrator was the client. (In these cases the person was at risk due to their own mental and physical inabilities to meet life needs.
80 or 34%	of the valid cases were reported by friends of the client.

C. GENERAL STATISTICS FOR DISABLED/DD CASES

161	investigations were conducted.
107 or 66.4%	were valid and received basic services.
84	were male
77	were female
___	was the average age
72 or 45%	were neglect cases
50 or 31%	were abuse cases
63 or 59%	of the valid cases the perpetrator was the client.

V. ADULT PROTECTIVE SERVICE PROGRAM DEVELOPMENTS FOR 1985

A specific workshop on Adult Protective Services was conducted in Helena on June 18-20, 1985, and August 20-22, 1985, for sixty (60) social workers and supervisors. Assessing hard to treat clients, legal aspects, and service planning were the major subjects of this training. This workshop tended to give social workers a renewed sense of value and an understanding of their responsible role in protecting Montana adults.

Efforts continued in working with Aging Service Programs. Numerous meetings were held across the state to share information between APS staff and aging service providers so that the elderly person would receive coordinated services.

Adult Protective Service Teams were authorized in the Elder Abuse Prevention Act in 1985. The policy and law was implemented and seven (7) APS Teams were developed. The most active was the team in Yellowstone County.

VI. CONCLUSION

The statistics found in this report and the program development information verify that the Adult Protective Services Program from the Community Services Division of SRS is a viable and essential program to Montana's aged or disabled persons.

EXHIBIT 2
2-11-87
SB# 94

APPENDIX A

VALID ELDER ABUSE CASES BY COUNTY

Big Horn	1
Broadwater	6
Carbon	2
Cascade	22
Custer	3
Daniels	1
Dawson	1
Deer Lodge	1
Fergus	8
Flathead	5
Gallatin	22
Hill	3
Judith Basin	2
Lake	5
Lewis & Clark	10
Liberty	1
Lincoln	3
Madison	1
McCone	1
Meagher	
Mineral	2
Missoula	29
Musselshell	8
Park	3
Phillips	16
Pondera	3
Ravalli	16
Richland	3
Roosevelt	3
Sanders	2
Sheridan	5
Silver Bow	2
Stillwater	1
Sweet Grass	1
Teton	3
Toole	2
Valley	7
Wheatland	5
Yellowstone	25

INVALID ELDER ABUSE CASES BY COUNTY

Beaverhead	
Big Horn	1
Broadwater	3
Carbon	2
Cascade	19
Custer	5
Dawson	1
Fergus	4
Flathead	2
Gallatin	6
Granite	1
Hill	3
Judith Basin	2
Lake	13
Lewis & Clark	12
Lincoln	2
Madison	1
McCone	1
Missoula	28
Musselshell	1
Phillips	4
Ravalli	12
Richland	7
Sanders	4
Silver Bow	6
Stillwater	1
Sweet Grass	1
Toole	1
Wheatland	3
Yellowstone	37

C
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SB 96

APPENDIX B

VALID DISABLED CASES BY COUNTY

Big Horn	2
Carbon	1
Cascade	8
Custer	2
Dawson	1
Fallon	1
Fergus	3
Flathead	4
Gallatin	7
Lake	1
Lewis & Clark	10
Lincoln	1
Mineral	1
Missoula	15
Musselshell	3
Park	1
Phillips	7
Pondera	2
Ravalli	5
Richland	1
Roosevelt	4
Rosebud	1
Sheridan	3
Silver Bow	2
Teton	4
Toole	3
Valley	9
Yellowstone	6

INVALID DISABLED CASES BY COUNTY

Big Horn	6
Carbon	1
Cascade	5
Dawson	1
Fallon	1
Fergus	1
Flathead	1
Gallatin	1
Lake	5
Lewis & Clark	1
Lincoln	2
Missoula	8
Musselshell	2
Powell	1
Ravalli	1
Richland	1
Silver Bow	3
Toole	2
Yellowstone	11

MOB3/h

VISITORS' REGISTER

JUDICIARY COMMITTEE

SENATE BILL NO. 96 DATE March 11, 1987

SPONSOR

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
ELMER HALSTEAD	AARP	✓	
Charles Brejcha	Governor's Office	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

March 17, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on March 17, 1987, at 8:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present.

EXECUTIVE SESSION:

ACTION ON SENATE BILL NO. 102:

Rep. Cobb moved that SB 102 BE CONCURRED IN. Rep. Cobb moved amendments and explained them. (Exhibit A). He stated this bill will have no effect on in-stream flows and the flow rate and volume will be used only when the judge requires it. The passage of the amendments will stop a lot of the objections on volume in irrigation rights. Rep. Gould asked Rep. Cobb if he has run the amendments pass the sponsor of the bill and he stated that he has. Rep. Eudaily asked Rep. Cobb to explain the fourth amendment. Rep. Cobb pointed out that this amendment has to do with stock ponds and reservoirs that have never been historically measured by flow rate. They have been measured by volume. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached). Rep. Cobb moved that SB 102 BE CONCURRED IN AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Mercer questioned the Statement of Intent and Rep. Cobb stated the statement should be left off and changed on the House floor. Rep. Cobb stated the substance of the law is actually in the statute and in the first two amendments. SB 102, BE CONCURRED IN AS AMENDED.

ACTION ON SENATE BILL NO. 108:

Rep. Darko moved that SB 108 BE NOT CONCURRED IN. Rep. Miles agreed with the motion and stated they have to go through an election anyway. Rep. Hannah further agreed with the motion. Question was called and a voice vote was taken. The motion CARRIED 10-7. SB 108 BE NOT CONCURRED IN.

ACTION ON SENATE BILL NO. 96:

Rep. Miles moved that SB 96 BE CONCURRED IN. Reps. Mercer and Meyers stated they feel the penalty is quite severe. Rep. Eudaily stated the penalty for subsection (1) is the

same as it is for the first part of subsection (2), but it does not apply to the second part of subsection (2). Rep. Eudaily pointed out that technically it should be alright. Question was called and a voice vote was taken. The motion CARRIED 12-4. SB 96 BE CONCURRED IN.

ACTION ON SENATE BILL NO. 114:

Rep. Brown moved that SB 114 BE CONCURRED IN. Question was called and a voice vote was taken. The motion CARRIED unanimously. SB 114 BE CONCURRED IN.

ACTION ON SENATE BILL NO. 306:

Rep. Giacometto moved that SB 306 BE CONCURRED IN. Question was called and a voice vote was taken. The motion CARRIED unanimously. SB 306 BE CONCURRED IN.

SENATE BILL NO. 261: Sen. B. Brown, District No. 2, sponsor, stated this bill increases the penalty for a person 21 years or older convicted of a sale of dangerous drugs if the sale was to a minor or within proximity to the real property comprising a school. He pointed out that the Senate amended the bill by deleting the term "adult" so that the bill would apply to someone 21 years or older. If someone is convicted of the sale of a dangerous drug included in schedule I or schedule II, and if previously convicted of two or more such sales, the person shall be imprisoned in the state prison for not less than 40 years or more than life and may be fined not more than $50,000.00, or both. He explained the point of the bill is that most young people do not manufacture dangerous drugs and they do not cultivate dangerous drugs, so in most cases, they get them from adults.

PROPONENTS: MARK J. MURPHY, Montana County Attorneys Association, stated this bill recognizes that the dangerous drug business is just that, a business. This bill protects the young school children by protecting certain areas, the school area and it does this by increasing the mandatory minimum sentences if each one of the conditions is met.

There were no further proponents and no opponents.

QUESTIONS (OR DISCUSSION) ON SENATE BILL NO. 261: Rep. Hannah asked Mr. Murphy why the language was changed and the word "adult" was deleted. Mr. Murphy stated the Senate felt there might be a group of people within the high school that are in fact adults but have not yet reached 21 years of age. He pointed out an adult is anyone who has turned the age of 18.

DAILY ROLL CALL

JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 17, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

STANDING COMMITTEE REPORT

MARCH 17, 19 37

Mr. Speaker: We, the committee on JUDICIARY

report SENATE BILL NO. 96

☐ do pass
☐ do not pass

☒ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Chairman

THIRD reading copy (BLUE color) REP. MILES TO CARRY THE BILL!

MINUTES OF THE MEETING
HOUSE APPROPRIATIONS COMMITTEE
50TH LEGISLATIVE SESSION

The meeting of the House Appropriations Committee was called to order by Chairman Rep. Gene Donaldson on March 25, 1987 in Room 104 of the State Capitol.

ROLL CALL:

All members were present at the meeting except Rep. Iverson who was absent and Reps. Connelly and Spaeth who arrived late.

SB 88: (104:A:2.46)

Senator Fred Van Valkenburg presented SB 88 to the committee again explaining this was a bill to extend the prison term for aggravated burglary. He said he didn't feel there would be an impact on the prison population due to this change.

Mr. Mark Roscoe, County Attorney, stated the bill can have a deterrent effect upon those who are involved in a burglary or theft which has increased in Montana.

Rep. Miller asked Mr. Curt Chisholm to present a report in regard to the prison impact (Exhibit 1).

Rep. Menahan asked Mr. Chisholm what the good time policy currently at the prison. Mr. Chisholm said it depends. It could be accrued or they can get work it off about 1/5th of the sentence. The inmate behavior also has a bearing.

SB 96:

(104:A:30.30) Sen. Rassmussen presented his bill to the committee saying it changes the penalty from a misdemeanor to a felony for abuse of senior citizens.

PROPONENTS:

Mr. Joe Upshaw representing the Association of American Retired Persons, spoke in support of the bill saying that originally the bill was written as a felony and then was reduced to a misdemeanor. They feel the punishment must fit the crime. They support the bill.

Mr. Charles Briggs, State Agent Coordinator, Governor's Office stated this bill was introduced originally in 1985 asking for a felony charge which was lowered in Judiciary to a misdemeanor because they felt other laws would allow for the proper punishment. This is a high priority with the governor and they feel this law would cover the second offense. The data reveals a rapid increase in these kinds of crime.

(104:A:43.03) Rep. Peck said the bill has some real language problems. Sen. Rassmussen said the bill defines what the penalty is for the offense, on page 5, second reading copy in the House.

The hearing was closed on the bill.

SB 134: Sen. Tom Beck explained the bill to address more severe penalties for smuggling drugs into the prison.

PROPONENTS:

Curt Chisholm stated the Department of Institutions asked Sen. Beck to introduce the bill for them as it would act as a deterrent to the problem of drugs being brought into the prison. There are a lot of drugs going to the prisoners which causes violence in the state prison. They would like to make this a felony offense in an attempt to cut back on this situation happening.

There were no opponents to the bill.

EXECUTIVE ACTION:

(104:B:10.50) Rep. Swift moved to DO PASS SB 88. Rep. Bradley made a substitute motion to take out the 20 year sentence and put it back to 10 years, on page 2 line 3. Rep. Quilici called the question. Rep. Bradley was the only YES vote. The motion FAILED.

There was a vote on Rep. Swift's motion. Reps. Devlin and Bradley voted NO. The motion CARRIED.

HB 882 HEARING:

Rep. Bob Ream presented HB 882 to the committee which was a last ditch effort to save the School of Pharmacy. He suggested a sunset on the bill. The bill would add a tax of 10 cents on each prescription in order to fund the school.

(104:B:22.11) Dr. Frank Pettinato, Acting Dean at the School of Pharmacy supported the bill saying there is a 100 percent placement in the state from the school for both the

DAILY ROLL CALL

APPROPRIATIONS COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3/25/87

NAME	PRESENT	ABSENT	EXCUSED
DONALDSON, GENE Chairman	✓		
THOFT, REP. BOB Vice Chair	✓		
WINSLOW, REP. CAL	✓		
BARDANOUVE, FRANCIS	✓		
BRADLEY, DOROTHY	✓		
CONNELLY, MARY ELLEN	✓	late	
DEVLIN, GERRY	✓		
IVERSON, DENNIS		✓	
MANUEL, REX	✓		
MENAHAN, RED	✓		
MENKE, LARRY	✓		
MILLER, RON	✓		
NATHE, DENNIS	✓		
PECK, RAY	✓		
POULSEN, HAROLD	✓		
QUILICI, JOE	✓		
REHBERG, DENNIS	✓		
SPAETH, GARY	✓	late	
SWIFT, BERNIE	✓		
SWITZER, DEAN	✓		

CS-30

Rep. Winslow moved to DO PASS HB 862 AS AMENDED. Rep. Quilici called the question. The motion CARRIED unanimously.

HB 890: (107:B:31.43)

Rep. Hannah presented his bill to redistribute vehicle fees. Rep. Connelly moved to DO NOT PASS HB 890. Rep. Swift made a substitute motion to DO PASS HB 890.

(108:A:12.35) Rep. Quilici made a motion before all motions pending to have Rep. Hannah draft two amendments and try to amend the bill in the committee and clean it up before passing it to the floor.

Action was delayed for twenty-four hours so Rep. Hannah could have amendments drafted to the bill. Rep. Devlin called the question. The motion CARRIED unanimously.

HB 155: (108:A:15.12)

Rep. Bardanouve presented HB 155 to the committee stating if Senator Smith's bill passes, this bill will not be needed but if the bill does not pass, this bill needs to be alive. This bill continues the fee increases from previous sessions for court fees and local government block grants. If neither bill passes, local governments will be out over $5 million per year.

PROPONENTS:

Mr. Newall Anderson, Administrator, Local Government Assistant Division, Department of Commerce, stated support for the bill and presented written testimony (Exhibit 2).

Rep. Bardanouve moved to DO PASS HB 155. Rep. Quilici called the question. The motion CARRIED unanimously.

EXECUTIVE ACTION: (108:A:22.42)

SB 96: Rep. Poulsen moved to DO PASS SB 96. Rep. Menahan called the question. The motion CARRIED unanimously.

SB 134: Rep. Menahan moved to DO PASS SB 134. Rep. Peck called the question. The motion CARRIED unanimously.

SB 222: Rep. Poulsen moved to DO PASS AS AMENDED SB 222 and make Ms. Feaver responsible for the amendments being done properly.

Rep. Swift made a substitute motion to TABLE SB 222. The motion CARRIED unanimously.

DAILY ROLL CALL

APPROPRIATIONS COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3/26/87

NAME	PRESENT	ABSENT	EXCUSED
DONALDSON, GENE Chairman	✓		
THOFT, REP. BOB Vice Chair	✓		
WINSLOW, REP. CAL	✓		
BARDANOUVE, FRANCIS	✓		
BRADLEY, DOROTHY	✓		
CONNELLY, MARY ELLEN	✓		
DEVLIN, GERRY	✓		
IVERSON, DENNIS			
MANUEL, REX	✓		
MENAHAN, RED	✓		
MENKE, LARRY	✓		
MILLER, RON	✓		
NATHE, DENNIS	✓		
PECK, RAY	✓		
POULSEN, HAROLD	✓		
QUILICI, JOE	✓		
REHBERG, DENNIS	✓	out at 10:10	
SPAETH, GARY			
SWIFT, BERNIE	✓		
SWITZER, DEAN	✓		